



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
January 22, 2019**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, January 22, 2019, at 9:30 a.m., there were present:

- Chairman Sharon Bulova, presiding
- Supervisor John C. Cook, Braddock District
- Supervisor John W. Foust, Dranesville District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Jeffrey C. McKay, Lee District
- Supervisor Kathy L. Smith, Sully District
- Supervisor Linda Q. Smyth, Providence District
- Supervisor Daniel G. Storek, Mount Vernon District

Others present during the meeting were Bryan J. Hill, County Executive; Elizabeth Teare, County Attorney; Catherine A. Chianese, Assistant County Executive and Clerk to the Board of Supervisors; Angela Schauweker, Management Analyst II, Office of the County Executive; Ekuia Brew-Ewool and Kecia Kendall, Administrative Assistants, Office of the Clerk to the Board of Supervisors.

BOARD MATTER1. **MOMENT OF SILENCE** (9:30 a.m.)

The Board asked everyone to keep in thoughts the families of the following:

- Mr. David P. Bobzien, who died recently
- Honorable Audrey Moore, who died recently
- Mr. Bernard “Bud” Durand, who died recently
- Mr. John Latham, who died recently
- Ms. Michelle Howard, who died recently
- Ms. Kathleen Murphy, who died recently
- Mr. Ryan Easterly, who died recently
- Mr. Casey Jones, who died recently
- Delegate John Bell, whose son died recently
- Mr. Bill Mayland, whose wife died recently
- Reverend Ron Winters, who died recently

AGENDA ITEMS2. **PROCLAMATION DESIGNATING JANUARY 2019 AS “HUMAN TRAFFICKING AWARENESS MONTH” IN FAIRFAX COUNTY** (9:43 a.m.)

Supervisor Herrity moved approval of the Proclamation designating January 2019 as "*Human Trafficking Awareness Month*" in Fairfax County and urged everyone to support the rights of human trafficking victims and to recognize the efforts to end human trafficking and its effects on the community. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being out of the room.

3. **PRESENTATION OF THE DON SMITH AWARD** (9:55 a.m.)

Vicki Kammerude, Chairperson, Employee Advisory Council (EAC), presented the history of the Don Smith Award.

Ms. Kammerude announced that 11 nominations were received, and, in an earlier ceremony, runner-up awards were presented to:

- Frank Shutts, Administrative Assistant, Policy, Planning, and Administration, Department of Information Technology
- Miguel Cuya, Probation Officer, Alcohol Safety Action Program (ASAP), Juvenile and Domestic Relations Court

Ms. Kammerude presented the 2018 Don Smith Award to Ingrid Abernathy, Administrative Assistant, Office of Public and Private Partnerships, Office of the County Executive.

4. **10 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES**
(10:02 a.m.)

Chairman Bulova noted that the Board held its first Legislative Committee meeting this year on Friday, January 18.

Supervisor McKay, Chairman of the Board's Legislative Committee, presented the report on General Assembly activities, noting the following:

- As of Sunday, January 20, 2,245 bills and resolutions had been introduced in the 2019 General Assembly, many of which were discussed at the Legislative Committee meeting.
- A key area of focus this session will be amendments to the 2018-2020 biennium budget, which continues to advocate for increased K-12 funding as well as increased funding for the Fairfax-Falls Church Community Services Board and public safety, among others. The Board will continue to get updates from staff as the budget process progresses.
- A wide variety of bills have been introduced this session, including numerous bills that would affect County services and operations or restrict the County's land use authority. In particular, legislation was introduced that would substantially change the County's recently-adopted Zoning Ordinance amendment relating to short term rentals, which was adopted by the Board after extensive collaboration with the community. The Legislative Committee opposed this legislation and staff will continue to provide updates to the Board as work continues on this issue in Richmond.
- The Legislative Committee received the following status update on the Board's County initiatives for this year:

1. Clarification that localities have the authority to require dedication and construction of sidewalks along existing streets that border proposed subdivisions if they are included in the locality's comprehensive plan. This clarification would ensure that localities are able to expand its pedestrian network and fill gaps within that network.
 2. Require a public hearing for the Six-Year Secondary System Construction Program (SSYP) only when a new funding allocation is substantial. As the Board is aware, that program will receive little to no funding for the foreseeable future and holding a public hearing when funding is not available creates considerable confusion for County residents. Both initiatives are expected to be heard in committee later this week.
- The Legislative Committee also reviewed legislation that could mitigate the impacts of the 2016 proffer legislation. Both the House and Senate versions of a legislative proposal the Legislative Committee supported were reported out of the House Committee on Counties, Cities, and Towns and the Senate Committee on Local Government, respectively, and await further consideration in the House and Senate. Additionally, the Legislative Committee reviewed several transportation bills as well as several bills relating to protective orders. Staff will continue to keep the Board updated on these key issues throughout the legislative process.

Supervisor McKay noted:

- The next meeting of the Legislative Committee will be held on Friday, January 25, at 4 p.m., in Conference Room 11 of the Government Center
- The annual reception in Richmond, for General Assembly Members, is scheduled for Wednesday, February 6, at 5:30 p.m., at the Credit Union House of Virginia

Supervisor McKay moved adoption of Legislative Committee Report Number One. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

5. **10:10 A.M. – BOARD ORGANIZATION AND APPOINTMENTS OF BOARD MEMBERS TO VARIOUS REGIONAL AND INTERNAL BOARDS AND COMMITTEES** (10:06 a.m.)

Chairman Bulova announced that the list of Appointments of Board Members to various Interjurisdictional Committees and Inter-/Intra-Governmental Boards and Committees for Calendar Year 2019 had been distributed.

The full list of appointments is as follows:

INTERJURISDICTIONAL COMMITTEES

ALEXANDRIA

Jeffrey McKay, Chairman
Sharon Bulova
Penelope Gross
Daniel Storck

ARLINGTON

Penelope Gross, Chairman
Sharon Bulova
John Foust
Linda Smyth

DISTRICT OF COLUMBIA

Sharon Bulova, Chairman
Jeffrey McKay
Linda Smyth
Daniel Storck

FAIRFAX CITY

John Cook, Chairman
Sharon Bulova
Linda Smyth

FALLS CHURCH

Penelope Gross, Chairman
Sharon Bulova
John Foust
Linda Smyth

FORT BELVOIR (Board of Advisors/Base Realignment and Closure)

Sharon Bulova
Patrick Herrity
Jeffrey McKay
Daniel Storck

HERNDON

John Foust, Chairman
Sharon Bulova
Catherine Hudgins

LOUDOUN COUNTY

Kathy Smith, Chairman

Sharon Bulova
John Foust
Catherine Hudgins

PRINCE WILLIAM

(includes UOSA, City of Manassas, and City of Manassas Park)

Kathy Smith, Chairman
Sharon Bulova
Patrick Herrity
Daniel Storck

VIENNA

Catherine Hudgins, Chairman
Sharon Bulova
John Foust
Linda Smyth

INTERGOVERNMENTAL BOARDS AND COMMITTEES

(including Federal and State)

COMMUNITY CRIMINAL JUSTICE BOARD

John Foust

METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS (COG)

COG BOARD OF DIRECTORS

Sharon Bulova, Principal
John Foust, Principal
Penelope Gross, Principal
Patrick Herrity, Alternate
Catherine Hudgins, Alternate
Kathy Smith, Alternate

COG METROPOLITAN WASHINGTON AIR QUALITY COMMITTEE

Sharon Bulova, Principal
Kathy Smith, Principal
Linda Smyth, Principal
Kambiz Agazi (staff)
Alternate (for any member)

COG CHESAPEAKE BAY AND WATER RESOURCES POLICY COMMITTEE

Penelope Gross, Principal
Daniel Storck, Principal

**COG CLIMATE, ENERGY AND ENVIRONMENTAL
POLICY COMMITTEE**

Penelope Gross, Principal
Kambiz Agazi (staff), Principal

COG EMERGENCY PREPAREDNESS COUNCIL

John Foust, Principal

**COG HUMAN SERVICES AND PUBLIC SAFETY
COMMITTEE**

Penelope Gross
Catherine Hudgins

COG REGION FORWARD COMMITTEE

Sharon Bulova, Principal
Penelope Gross, Principal
Kathy Smith, Principal

**COG TASK FORCE ON REGIONAL WATER
SUPPLY ISSUES**

Penelope Gross

**COG NATIONAL CAPITAL REGION
TRANSPORTATION PLANNING BOARD**

Catherine Hudgins, Principal
Linda Smyth, Principal
Sharon Bulova, Alternate
Patrick Herrity, Alternate

**GEORGE MASON UNIVERSITY FAIRFAX CAMPUS
ADVISORY BOARD**

John Cook
Patrick Herrity
Jim Zook (Chairman's designee)

INOVA HEALTH CARE SERVICES BOARD

John Cook

INOVA HEALTH SYSTEMS BOARD

Penelope Gross

NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC)

Sharon Bulova
John Cook
Penelope Gross
Patrick Herrity
Catherine Hudgins

Jeffrey McKay
Kathy Smith

**NORTHERN VIRGINIA TRANSPORTATION COMMISSION
(NVTC)**

(including WMATA and VRE Representatives)
Sharon Bulova, Principal (VRE OPERATION)
John Cook, Principal (VRE OPERATION)
John Foust
Catherine Hudgins, Alternate (WMATA)
Jeffrey McKay, Alternate (VRE)

**PHASE I DULLES RAIL TRANSPORTATION
IMPROVEMENT DISTRICT COMMISSION**

Sharon Bulova, Chairman
John Foust
Catherine Hudgins
Linda Smyth

**PHASE II DULLES RAIL TRANSPORTATION
IMPROVEMENT DISTRICT COMMISSION**

Sharon Bulova
John Foust
Catherine Hudgins
Kathy Smith

POTOMAC WATERSHED ROUNDTABLE

Penelope Gross
Randy Bartlett, Alternate

**ROUTE 28 HIGHWAY TRANSPORTATION IMPROVEMENT
DISTRICT COMMISSION**

Sharon Bulova
John Foust
Catherine Hudgins
Kathy Smith

VACo BOARD OF DIRECTORS (REGIONAL DIRECTORS)

(Recommendations. The Board of Supervisors makes recommendations to VACo for consideration.)

Sharon Bulova
Penelope Gross
Kathy Smith
Jeffrey McKay
Linda Smyth
Daniel Storck

**WASHINGTON METROPOLITAN AREA TRANSIT
AUTHORITY (WMATA)**

(Appointed by NVTC. The Board of Supervisors makes recommendations for consideration.)

Catherine Hudgins, Alternate

INTRAGOVERNMENTAL AND OTHER COMMITTEES

50+ COMMITTEE

(Committee of the Whole)

Patrick Herrity, Chairman

John Cook, Vice-Chairman

AUDIT COMMITTEE

Sharon Bulova, Chairman

Daniel Storck, Vice-Chairman

John Foust

Patrick Herrity

BOARD PROCEDURES COMMITTEE

Penelope Gross, Chairman

John Cook, Co-Chairman

BUDGET POLICY COMMITTEE

(Committee of the Whole)

Jeffrey McKay, Chairman

Sharon Bulova, Vice-Chairman

John Foust, 2nd Vice-Chairman

**COMMUNITY REVITALIZATION AND REINVESTMENT
COMMITTEE**

(Committee of the Whole)

Jeffrey McKay, Co-Chairman

Daniel Storck, Co-Chairman

DEVELOPMENT PROCESS COMMITTEE

(Committee of the Whole)

Kathy Smith, Chairman

Penelope Gross, Vice-Chairman

ECONOMIC ADVISORY COMMITTEE

(Committee of the Whole)

John Foust, Chairman

Patrick Herrity, Vice-Chairman

ENVIRONMENTAL COMMITTEE

(Committee of the Whole)
Penelope Gross, Chairman

HEALTH, HOUSING, AND HUMAN SERVICES COMMITTEE

(Committee of the Whole)
Catherine Hudgins, Chairman
Penelope Gross, Vice-Chairman

INFORMATION TECHNOLOGY COMMITTEE

(Committee of the Whole)
John Foust, Chairman
Catherine Hudgins, Vice-Chairman

LEGISLATIVE COMMITTEE

(Committee of the Whole)
Jeffrey McKay, Chairman

PERSONNEL AND REORGANIZATION COMMITTEE

(Committee of the Whole)
Penelope Gross, Chairman
Linda Smyth, Vice-Chairman

PUBLIC SAFETY COMMITTEE

(Committee of the Whole)
John Cook, Chairman
Penelope Gross, Vice-Chairman

TRANSPORTATION COMMITTEE

(Committee of the Whole)
John Foust, Chairman
Kathy Smith, Vice-Chairman

(NOTE: Later in the meeting an additional appointment was made. See Clerk’s Summary Item #20.)

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6. **10:20 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (BACs)** (10:07 a.m.)

(APPTS)
(BACs)

Supervisor Gross moved approval of the appointments and reappointments of those individuals identified in the final copy of “Appointments to be Heard January 22, 2019.” Chairman Bulova seconded the motion.

Chairman Bulova noted that a new appointee is being appointed to replace Rosemarie Annunziata, At-Large #3 Representative to the Civil Commission who

has resigned. She relinquished the Chair to Acting-Chairman McKay and asked unanimous consent that the Board direct staff to invite Ms. Annunziata to appear before the Board to be recognized for her years of service, including as Chair of the Civil Service Commission. Without objection, it was so ordered. Acting-Chairman McKay returned the gavel to Chairman Bulova.

Supervisor Foust asked to amend the motion to reappoint Mr. James Phelps as the Dranesville District Representative to the Airports Advisory Committee. This was accepted.

The question was called on the motion, as amended, and it carried by unanimous vote.

The full list of appointments is as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

Reappointment of:

- Mr. Clifford L. Fields as the At-Large Chairman's Representative
- Ms. Jane Gwinn as the Braddock District Representative
- Mr. Joseph W. Blackwell, Jr. as the Lee District Representative
- Mr. Clarke V. Slaymaker as the Mount Vernon District Representative
- Mr. Philip E. Rosenthal as the Springfield District Representative
- Mr. Michael Coyle as the Sully District Representative

The Board deferred the appointment of the Dranesville, Hunter Mill, and Mason District Representatives.

ADVISORY SOCIAL SERVICES BOARD

The Board deferred the appointment of the Mount Vernon District Representative.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

The Board deferred the appointment of the Engineer/Architect/Planner #2 and the Lending Institution Representatives.

AIRPORTS ADVISORY COMMITTEE

Reappointment of:

- Mr. Kenneth A. Kraus as the Braddock District Representative
- Mr. James Phelps as the Dranesville District Representative
- Mr. Samuel E. Thornton as the Lee District Representative
- Mr. Clifford Elow as the Providence District Representative
- Mr. David Skiles as the Springfield District Representative
- Mr. Frank Leser as the Sully District Representative

The Board deferred the appointment of the Hunter Mill Business District Representative.

ARCHITECTURAL REVIEW BOARD

Reappointment of:

- Ms. Susan Woodward Notkins as the Related Professional Group #3 Representative

The Board deferred the appointment of the Related Professional Group #4 Representative.

ATHLETIC COUNCIL

The Board deferred the appointment of the Braddock District Alternate, Lee District Alternate, Mason District Alternate, and Women's Sports Alternate Representatives.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

Appointment of:

- Ms. Kim S. Farington as the Springfield District Representative

The Board deferred the appointment of the Mason District Representative.

BOARD OF BUILDING AND FIRE PREVENTION CODE OF APPEALS

Appointment of:

- Mr. Michael R. Sanio as the Alternate #4 Representative

**CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION
REVIEW COMMITTEE**

The Board deferred the appointment of the Mason District Representative.

CHILD CARE ADVISORY COUNCIL

The Board deferred the appointment of the Dranesville and Providence District Representatives.

CITIZEN CORPS COUNCIL, FAIRFAX COUNTY

The Board deferred the appointment of the Hunter Mill and Providence District Representatives.

CIVIL SERVICE COMMISSION

Appointment of:

- Ms. Meena Bhinge as the At-Large #3 Representative

The Board deferred the appointment of the At-Large #2 Representative.

COMMUNITY ACTION ADVISORY BOARD (CAAB)

Confirmation of:

- Mr. Gene Pettit as the Community Ministry Representative
- Ms. Shari Zamarra as the Faith Communities In Action Representative
- Mr. Michael Mahrer as the Literacy Council of Northern Virginia Representative
- Ms. (NFN) Elethia as the North Target Area #3 Representative

CONSUMER PROTECTION COMMISSION

Appointment of:

- Mr. Jason J. Kratovil as the Fairfax County Resident #3 Representative

Reappointment of:

- Mr. Umair Javed as the Fairfax County Resident #13 Representative

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

The Board deferred the appointment of the Hunter Mill District Representative.

DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE I

The Board deferred the appointment of the At-Large #5 Representative.

DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE II

The Board deferred the appointment of the BOS At-Large #5 Representative.

ECONOMIC ADVISORY COMMISSION

The Board deferred the appointment of the Hunter Mill and Sully District Representatives.

ENGINEERING STANDARDS REVIEW COMMITTEE

The Board deferred the appointment of the Citizen #4 Representative.

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC)

Reappointment of:

- Ms. Renee Grebe as the At-Large #1 Representative
- Mr. George Lamb as the At-Large #3 Representative
- Ms. Stella M. Koch as the At-Large Chairman's Representative
- Mr. Larry J. Zaragoza as the Mount Vernon District Representative

The Board deferred the appointment of the Providence District Representative.

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointment of the At-Large #2 Business Community, Dranesville, Hunter Mill, and Providence District Representatives.

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL

Confirmation of:

- Ms. Catherine S. Cole as the Commission on Aging Representative
- Mr. Ralph N. Cagle, Jr. as the Community/Religious Leaders #6 Representative

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

The Board deferred the appointment of the Mount Vernon District Representative.

GEOTECHNICAL REVIEW BOARD

Confirmation of:

- Mr. Jules D. Reese as the Primary #3 Representative

HEALTH CARE ADVISORY BOARD

Appointment of:

- Mr. Shikha Dixit as the Mount Vernon District Representative

HEALTH SYSTEMS AGENCY BOARD

Appointment of:

- Ms. Magalie Emile-Backer as the Provider #2 Representative

The Board deferred the appointment of the Consumer #6 Representative.

HISTORY COMMISSION

Appointment of:

- Ms. Cheryl-Ann B. Repetti as the Citizen #5 Representative

The Board deferred the appointment of the Citizen #8 and Historian #1 and #3 Representatives.

HUMAN RIGHTS COMMISSION

The Board deferred the appointment of the At-Large #7 and #8 Representatives.

HUMAN SERVICES COUNCIL

The Board deferred the appointment of the Providence District #2 and the Sully District #2 Representatives.

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE (ITPAC)

Appointment of:

- Mr. Sadaqat Ahmad as the Hunter Mill District Representative

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

Reappointment of:

- Ms. Patience H. Samson as the At-Large Chairman's Representative
- Ms. Patricia Smith-Solan as the Hunter Mill District Representative
- Ms. Joleane Dutzman as the Mount Vernon District Representative
- Ms. Caroline Kerns as the Sully District Representative

The Board deferred the appointment of the Braddock District Representative.

OVERSIGHT COMMITTEE ON DISTRACTED AND IMPAIRED DRIVING

The Board deferred the appointment of the Braddock, Dranesville, Hunter Mill, Mount Vernon, and Providence District Representatives.

POLICE CIVILIAN REVIEW PANEL

The Board deferred the appointment of the Seat #3 Representative.

RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

The Board deferred the appointment of the Hunter Mill District #2, Residential Owners and HOA/Civic Association #1, #2, and #3, and Apartment or Rental Owner Associations Representatives.

ROAD VIEWERS BOARD

The Board deferred the appointment of the At-Large #1, #4, and #5 Representatives.

SMALL BUSINESS COMMISSION, FAIRFAX COUNTY

Appointment of:

- Ms. Nalin Jain as the Providence Representative
- Mr. Robert Kyle McDaniel as the Springfield District Representative

The Board deferred the appointment of the At-Large #2 and Mason District Representatives.

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

The Board deferred the appointment of the Fairfax County #5 Representative.

TENANT LANDLORD COMMISSION

Reappointment of:

- Mr. Eric Fielding as the Citizen Member #3 Representative
- Ms. Karen Geier-Smith as the Landlord Member #1 Representative

The Board deferred the appointment of the Citizen Member #1, Condo Owner, Landlord Member #2, and Tenant Member #1 Representatives.

TRAILS AND SIDEWALKS COMMITTEE

Confirmation of:

- Mr. Shawn Newman as the Washington Area Bicyclist Association Representative

TRANSPORTATION ADVISORY COMMISSION

The Board deferred the appointment of the Providence District Representative.

TREE COMMISSION

The Board deferred the appointment of the Providence District Representative.

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

The Board deferred the appointment of the Providence District #2 Representative.

WATER AUTHORITY

The Board deferred the appointment of the Hunter Mill District Representative.

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7. **ADMINISTRATIVE ITEMS** (10:08 a.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor McKay seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L Smyth, Supervisor Storck, and Chairman Bulova voting “AYE.”

ADMIN 1 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM

Designated the following individuals, identified with a registration number, as Plans Examiners:

- Osvaldo Anival Ramos (331)
- Frank H. Jett, III (332)

ADMIN 2 - STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE AND SPRINGFIELD DISTRICTS)

(R) Approved the request that the streets listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Cardinal Estates	Springfield	Reza Court
Mallory Square	Dranesville	Mallory Estate Drive Harrison Garrett Court

ADMIN 3 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (DRANESVILLE DISTRICT)

- Endorsed the following traffic calming measures:
 - One speed hump on Ingleside Avenue (Dranesville District)
 - Seven speed humps on Bellview Road (Dranesville District)
- Directed Department of Transportation (DOT) staff to schedule the installation of the approved traffic calming measures as soon as possible

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE GREENWAY DOWNS RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 13 (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 19, 2019, at 4 p.m.**, to consider adopting an ordinance to amend the Code of the County of Fairfax, Appendix G, to expand the Greenway Downs RPPD, District 13.

ADMIN 5 - EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITY REVIEW APPLICATIONS (MOUNT VERNON, MASON, AND PROVIDENCE DISTRICTS)

Authorized the extension of review periods for the following Public Facility (2232) Review Applications to the dates noted:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-V18-23	T-Mobile 8120 McCauley Way Lorton, VA Mount Vernon District Accepted October 24, 2018	Extend to March 23, 2019
2232-M18-22	T-Mobile 7023 Little River Turnpike Annandale, VA Mason District Accepted October 26, 2018	Extend to March 25, 2019

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-P18-24	T-Mobile 2726 Gallows Road Vienna, VA Providence District Accepted November 28, 2018	Extend to April 27, 2019

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX Q [LAND DEVELOPMENT SERVICES (LDS) FEE SCHEDULE], REGARDING EPLANS AND OTHER UPDATES

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 19, 2019, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Appendix Q (LDS Fee Schedule), to update the fee structure, enabling LDS to review certain plans electronically, and to propose a technology and digitization fee, with other minor fee revisions.

8. **A-1 - APPROVAL OF THE BOARD OF SUPERVISORS' MEETING SCHEDULE FOR CALENDAR YEAR 2019 AND AUTHORIZATION FOR THE CHAIRMAN TO POSTPONE A SCHEDULED MEETING IN THE EVENT OF WEATHER OR OTHER HAZARDOUS CONDITIONS**
(10:09 a.m.)

- (R) Supervisor Gross moved that the Board concur in the recommendation of staff and approve the Board meeting schedule for January through December 2019 and adopt a Resolution authorizing the Chairman to defer any scheduled meeting to the Tuesday following a scheduled Board meeting if the Chairman, or the Vice Chairman if the Chairman is unable to act, finds and declares that the weather or other conditions are such that it is hazardous for Members to attend. Chairman Bulova seconded the motion.

Supervisor Foust stated that the Board meeting of June 11 falls on the same day as the Virginia primary. Discussion ensued, regarding an alternative date, with input from Catherine A. Chianese, Assistant County Executive and Clerk to the Board.

Supervisor Foust asked to amend the motion to change the date of the Board meeting to June 4, 2019, and this was accepted.

The question was called on the motion, as amended, and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting "AYE."

9. **A-2 - APPROVAL OF A VACATION OF A PARKING REDUCTION FOR FALLFAX SHOPPING CENTER (PROVIDENCE DISTRICT)** (10:12 a.m.)

On motion of Supervisor L. Smyth, seconded by Supervisor Foust, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved:

- Vacation of the previously-approved parking reduction for the Fallfax Shopping Center
- Termination of the associated parking reduction agreement

10. **A-3 - AUTHORIZATION FOR THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION (DOT) TO EXECUTE FUTURE BIKESHARE STATION SPONSORSHIP STANDARD AGREEMENTS** (10:13 a.m.)

On motion of Supervisor Foust, seconded by Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Director of DOT to enter into Sponsorship Agreements and Renewals consistent with the financial approvals of the Board, substantially in the form of Attachment 1 of the Board Agenda Item.

11. **A-4 - ENDORSEMENT OF AND AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT) FISCAL YEAR (FY) 2020 PROJECT DEMONSTRATION PROGRAM FOR THE FAIRFAX COUNTY CONNECTED AUTONOMOUS VEHICLE DEMONSTRATION PROJECT** (10:14 a.m.)

(R) Supervisor Foust moved that the Board concur in the recommendation of staff and:

- Authorized DOT to apply for and accept grant funding, if received, from DRPT in the amount of \$250,000, including \$50,000 in Local Cash Match
- Adopted the project endorsement Resolution, substantially in the form of Attachment 1 of the Board Agenda Item, to be used for concept development and operations of a Connected and Autonomous Vehicle Demonstration Project
- Authorized the Director of DOT to enter into the grant agreement and any related agreements, including but not limited to Federal sub-award agreements, on behalf of the County

Discussion ensued, with input from Ms. Eta Nahapetian, Economic Initiatives Coordinator, Office of the County Executive.

The question was call on the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE.”

12. **C-1 - ELECTION YEAR POLICIES** (10:19 a.m.)

The Board next considered an item contained in the Board Agenda regarding Election Year Policies for the 2019 Board elections.

Chairman Bulova, referencing the Board Agenda Item, stated that the moratorium on land-use cases will begin November 5, 2019, and continue through January 2020, when the new Board takes office.

Discussion ensued regarding the terms of current Board, Authority, and Commission, Members.

Supervisor Gross moved that the Board approve the Election Year Policies for the 2019 Board elections. Supervisor Hudgins and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

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ADDITIONAL BOARD MATTERS

13. **PRESENTATION REQUESTS** (10:23 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board approve the presentation requests listed in the document titled “January 22, 2019, Presentation Requests,” and direct staff to invite:

- Representatives from the Fairfax-Falls Church Community Services Board to appear before the Board on March 5 to accept a proclamation designating March 2019 as “*Developmental Disabilities Inclusion Month*” in Fairfax County
- Representatives from the Office for Women and Domestic and Sexual Violence Services to appear before the Board on February 5 to accept a proclamation designating February 2019 as “*Teen Dating Violence Awareness Month*” in Fairfax County
- Representatives from the Fairfax County Public Library and the Library Board of Trustees to appear before the Board on March 19 to

accept a proclamation designating April 7-13, 2019, as “*Library Week*” in Fairfax County

- Mr. John Yeatman to appear before the Board on April 9 to accept a proclamation designating May 2019 as “*Break the Silence on Ovarian Cancer Month*” in Fairfax County
- Representatives from the Health Department to appear before the Board to accept proclamations designating:
 - March 2019 as “*TB Awareness Month*” in Fairfax County at the February 19 Board meeting
 - April 1-7, 2019, as “*Public Health Week*” in Fairfax County at the March 19 Board meeting
 - August 2019 as “*Immunization Awareness Month*” in Fairfax County at the July 16 Board meeting
 - September 2019 as “*Environmental Health Awareness Month*” in Fairfax County at the July 30 Board meeting
- Representatives from the Gastroparesis Patient Association for Cures and Treatments (G-PACT) and Ms. Julie Dawson to appear before the Board on July 16 to accept a proclamation designating August 2019 as “*Gastroparesis Awareness Month*” in Fairfax County
- Representatives from the Office for Women and the Commission for Women to appear before the Board on March 5 to accept a proclamation designating March 2019 as “*Women’s History Month*” in Fairfax County
- Representatives from the Office of Human Rights and Equity Programs to appear before the Board to accept proclamations designating:
 - February 2019 as “*African American History Month*” in Fairfax County at the February 19 meeting
 - “*Holocaust Remembrance Day*” in Fairfax County at the April 9 meeting
 - March 2019 as “*Arab American Heritage Month*” in Fairfax County at the March 19 meeting

- April 2019 as “*Fair Housing Month*” in Fairfax County at the March 19 meeting
 - May 2019 as “*Asian/Pacific American Heritage Month*” in Fairfax County at the April 9 meeting
 - September 2019 as “*Hispanic Heritage Month*” in Fairfax County at the September 24 meeting
 - October 2019 as “*Disability Employment Awareness Month*” in Fairfax County at the September 24 meeting
 - November 2019 as “*American Indian Heritage Month*” in Fairfax County at the November 19 meeting
- Representatives from the Office for Children and the Child Care Advisory Council to appear before the Board on May 7 to accept a proclamation designating May 5-11, 2019, as “*Child Care Professionals Week*” in Fairfax County

Without objection, it was so ordered.

14. **THE LAUNCH OF FAIRFAX CONNECTOR ROUTE 698 EXPRESS SERVICE FROM VIENNA METRORAIL STATION TO THE PENTAGON** (10:24 a.m.)

In a joint Board Matter with Supervisor L. Smyth, Chairman Bulova said that earlier today, the Fairfax Connector launched new express bus service (Route 698) linking the Vienna Metrorail Station to the Pentagon Transit Center. The new service features 10 in-bound morning and 10 out-bound afternoon trips utilizing 4 buses and is supported by the I-66 Commuter Choice Program and I-66 inside the Beltway toll revenues.

Chairman Bulova stated that Route 698 provides new traveler connections and further promotes transportation choices on I-66 by linking central Fairfax County directly to the Pentagon Transit Center, a major meeting point of several transit modes including public transit and multiple Department of Defense shuttles, all of which provide access between a range of destinations in the District of Columbia and Northern Virginia.

The new Route 698 express service to the Pentagon is expected to divert single occupant vehicle trips to transit, reducing peak hour congestion in the I-66 corridor with a result in more consistent travel times. The Fairfax Connector expects to remove approximately 800 single-occupant vehicle trips per weekday with this service.

Therefore, Chairman Bulova moved that the Board direct the Department of Transportation and the Office of Public Affairs to promote the launch of the new Fairfax Connector Route 698 express from the Vienna Metrorail station to the Pentagon Transit Center. Supervisor L. Smyth seconded the motion and it carried by unanimous vote.

15. **PROPOSED ASSISTANCE TO FURLOUGHED FEDERAL EMPLOYEES AND OTHERS IMPACTED BY THE SHUTDOWN** (10:27 a.m.)

In a joint Board Matter with Supervisor McKay, Chairman Bulova said that as the partial shutdown of the Federal government enters its fifth week, the County is continuing to explore options to assist affected Federal employees and others potentially impacted by the shutdown. The Office of Public Affairs last week announced the decision to allow Federal employees to ride Connector buses free of charge during the shutdown. The announcement also included existing options for parents struggling to pay for child care through the Child Care Assistance and Referral and the School Aged Child Care programs, including applying for lower co-payments or instituting a payment plan, respectively. Finally, the County is promoting Stuff the Bus events scheduled over the next several weeks.

Three other options are on the table for the Board to consider. First, many personal property tax bills are due on February 15. Residents can request a payment plan but will still face potential penalty charges for late payments. This is by statute and not something the Board or staff can waive. However, the Board, can by resolution, extend the deadline by no more than 90 days. This would apply to all taxpayers, not just Federal workers.

Therefore, to make this option possible, Chairman Bulova moved that the Board direct the County Executive to prepare a resolution for Board consideration at its February 5 meeting, extending the deadline by the maximum allowed time should the shutdown continue. Supervisor McKay seconded the motion.

Supervisor Foust asked unanimous consent that the Board direct staff to provide information on the options available to increase funding to the various non-profits organizations who are providing emergency assistance to those affected. Without objection, it was so ordered.

Discussion ensued, with input from Bryan Hill, County Executive, concerning re monitoring reports provided to the Board.

The question was called on the motion and it carried by unanimous vote.

Chairman Bulova said that families living in homes owned by the County's Redevelopment and Housing Authority (FCRHA) may have their rental assistance benefits eliminated beginning in March should the shutdown continue. In total, approximately 5,000 families (not all of them Federal employees) could lose their

rental assistance. This equates in total to approximately \$4.9 million per month; the average housing assistance payment is currently \$980 per family, per month.

Therefore, Chairman Bulova moved that the Board direct the County Executive to prepare a set of options for the Board to consider at its next Board meeting for potentially addressing this \$4.9 million shortfall and any related impact on staff. Supervisor McKay seconded the motion.

Discussion ensued regarding the need for the County to make the public aware of the shortfall and the impacts of the shutdown.

Supervisor McKay noted that the Congressional delegation should be made aware of the issue and that he will be working with legislative staff to provide a letter listing the statistical data of the impacts of the shutdown.

Discussion continued, concerning including:

- An outline of the direct/indirect impacts of the shutdown on the community
- A discussion of the issue on the agenda of the Board's Health, Housing, and Human Services Committee, scheduled to be held on January 29, 2019

The question was called on the motion, and it carried by unanimous vote.

Chairman Bulova noted that County staff from the Consumer Affairs Branch of the Department and Cable and Consumer Services has reached out to utility and cable companies to determine options available to County residents whose ability to pay their bills in a timely manner has been affected due to the shutdown.

Therefore, Chairman Bulova moved that the Board direct the County Executive to prepare a letter for her signature to all local utility providers asking for leniency for County residents affected by the shutdown. Supervisor McKay seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

16. **PROFFER ESCALATION CLAUSES (DRANESVILLE DISTRICT)**
(10:53 a.m.)

Supervisor Foust said that recently staff in his office reviewed the proffers associated with the Elm Street Residential project located in McLean and approved by the Board on July 1, 2014. Many of the proffers contain a requirement for a monetary contribution.

Supervisor Foust stated that proffer number 51 states that: “For all proffers in this document specifying monetary contributions, the contribution and/or budget amount shall escalate or de-escalate, as applicable, on a yearly basis from the base year of 2014 and change effective each January 1 thereafter, as permitted by Section 15.2-2303.3 of the Code of Virginia, as amended.”

In working with Land Development Services (LDS) staff, Supervisor Foust learned that, to date, the developer has made seven contributions to the County. In two of the cases, the developer overpaid the County by \$5,997.29, but in the remaining five instances, the developer underpaid the County by \$85,087.93 because the escalation clause was not implemented. LDS staff is in the process of contacting the developer regarding the over and under payments.

While the Elm Street residential project was a significant one for downtown McLean, it is small when compared to other projects that the County has approved, for example, in Tysons. Perhaps the Elm Street Residential case is an anomaly; however, if not applying the escalation clause in one project in one magisterial district resulted in a loss of \$85,000, it is prudent to examine the collection of proffered amounts in other land use cases.

Therefore, Supervisor Foust moved that the Board direct staff to:

- Conduct a review of its process for calculating and collecting proffers, including how it verifies that the proffer, and any applicable escalation amount, has been paid
- Review all cash proffer payments received over at least the past three years to determine whether there was a failure to properly apply any applicable proffer escalation clause to calculate the payment
- Collect underpayments, if any, that are identified
- Report at a future Development Process Committee meeting on the results of these efforts including any process change implemented to ensure similar underpayments do not occur going forward

Supervisor Gross seconded the motion and it carried by unanimous vote.

17. **DEFERRAL OF THE PUBLIC HEARING ON REZONING APPLICATION RZ 2016-DR-027 AND PROFFERED CONDITION AMENDMENT APPLICATION PCA C-637-04 (POMEROY/CLARK I, LLC) (DRANESVILLE DISTRICT)** (10:57 a.m.)

Supervisor Foust announced that Pomeroy/Clark I, LLC, has filed concurrent applications (Proffered Condition Amendment Application PCA C-637-04, Rezoning Application RZ 2016-DR-027, and Final Development Plan Application FDP 2016-DR-027) to permit mixed-use development consisting of

2,033,600 square feet of residential uses and a public elementary school. The Planning Commission approved the FDP and recommended approval of the PCA and RZ applications at its November 1, 2018 meeting. A public hearing before the Board was scheduled for today; however, the applicant has not provided signed proffers; therefore, the public hearing needs to be deferred until a later date.

Therefore, Supervisor Foust moved that the Board defer the public hearing on Proffered Condition Amendment Application PCA C-637-04 and Rezoning Application RZ 2016 DR-027, and schedule the applications for public hearing before the Board on **March 5, 2019, at 3:30 p.m.** This motion should not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations or adopted standards in anyway. Supervisor L. Smyth seconded the motion and it carried by unanimous vote.

18. **REQUEST FOR EXPEDITED PROCESSING OF REZONING APPLICATION RZ 2017-DR-012 AND PROFFERED CONDITION APPLICATION AMENDMENT PCA C-637-05, (POMEROY COMPANIES, INCORPORATED, AND POMEROY INVESTMENTS INCORPORATED, TR) (DRANESVILLE DISTRICT)** (10:59 a.m.)

Supervisor Foust stated that Pomeroy Companies, Incorporated, and Pomeroy Investments Incorporated, TR, has filed three concurrent applications (Proffered Condition Amendment Application PCA C-637-05, Rezoning Application RZ 2017-DR-012, and Final Development Plan Application FDP 2017-DR-012), to permit mixed use development consisting of 2,011,751 square feet. A public hearing is scheduled before the Planning Commission on January 30, 2019. The applicant has requested an expedited Board public hearing date to advance the delivery of the project and public improvements.

Therefore, Supervisor Foust moved that the Board:

- Authorize expedited processing of Proffered Condition Amendment Application PCA C-637-05 and Rezoning Application RZ 2017-DR-012 and Final Development Plan Application FDP 2017-DR-012, and schedule the cases for public hearing before the Board on **March 5, 2019, at 3:30 p.m.**
- Schedule this public hearing immediately following the public hearing on Proffered Condition Amendment Application PCA C-637-04 and Rezoning Application RZ 2016-DR-027, and Final Development Plan Application FDP 2017-DR-012 which will also be heard on this day.

This motion should not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance

with the provisions of all applicable ordinances, regulations or adopted standards in anyway. Supervisor K. Smith seconded the motion and it carried by unanimous vote.

19. **FISCAL YEAR (FY) 2019 THIRD QUARTER REVIEW**
CONSIDERATION ITEM REGARDING COMPREHENSIVE
UNIVERSAL REPRESENTATION (11:01 a.m.)

In a joint Board Matter with Supervisor McKay, Supervisor Foust noted that the Board has received a joint request from two non-profits, CASA and CAIR Coalition, to provide financial support for a comprehensive universal representation program for County residents (referred to herein as the “program”). As proposed, the program would provide legal representation, community education, and training to County residents, including legal immigrants, who are subject to immigration enforcement, including arrest, detention, and deportation. As explained by CASA, “The centerpiece of this proposal is enactment of universal representation for all Fairfax County residents, including legal immigrants, who are detained and in legal deportation proceedings.” CASA describes the program as “essentially a public defender type model for immigration court proceedings.”

As explained by CASA, while deportation proceedings are a civil matter, they often resemble the adversarial process most commonly found in the criminal justice system, including prolonged incarceration of immigrants and serious consequences, including permanent expulsion from the country. CASA has described three options for funding different levels of services provided by the program. The third option is the focus of this consideration item. It is described as a “Pilot Program” that would cost \$200,000 and provide legal representation for detained residents or residents at risk for detention, as well as providing legal rights education to County residents.

It has been clearly demonstrated that an immigrant’s chances of successfully defending his or her right to stay in the community is very dependent on whether the immigrant has legal counsel. In other words, County residents who have every right to remain in the country are being deported because they cannot afford legal representation.

A program such as the one CASA and CAIR Coalition describe for universal representation would typically be funded by Fairfax County via the Consolidated Community Funding Pool (CCFP). CASA and CAIR Coalition have also represented to the Board that there are established funding sources that may be available to match any funding provided by the County. Unfortunately, the CCFP will not fund new programs until July 1, 2020. Since the last cut-off for CCFP funding (fall of 2017) the Federal government has aggressively increased and expanded the scope of it deportation efforts. Waiting until July 2020 to fund the program would result in extreme hardship to many County residents who are

legally residing in the County but have insufficient resources to make that case and need assistance.

Through CCFP, the County provides funding for several organizations that serve the immigrant community, including naturalization and citizenship support, obtaining legal status, case management for refugees, assistance for immigrant survivors of domestic violence, and integration services. Through CCFP, the County also funds several legal representation programs for indigents. During the next application period for CCFP funding (fall 2020 for FYs 2021 and 2022), CASA, CAIR Coalition and any other non-profit that seeks to provide legal representation services for immigrants can compete against other services for funding. In the interim, the critical need for these services more than justifies immediate funding of the proposed pilot program.

Therefore, jointly with Supervisor McKay, Supervisor Foust moved that the Board consider funding the program with a one-time allocation of \$200,000 from the FY 2019 Third Quarter Review. Supervisor McKay seconded the motion.

Following discussion on the motion, Supervisor Cook asked unanimous consent that the Board direct staff to provide information identifying situations where people do not have access to legal representation. Without objection, it was so ordered.

Supervisor Gross asked unanimous consent that the Board direct staff to provide information on Arlington County's experience in providing similar financial assistance to help with legal representation. Without objection, it was so ordered.

Supervisor Herrity asked unanimous consent that the Board direct staff to provide information on funding the County makes available to organizations that provide financial assistance for legal representation. Without objection, it was so ordered.

The question was called on the motion and it **CARRIED** by a recorded vote of nine, Supervisor Herrity voting "NAY."

AGENDA ITEM

20. **RE-APPOINTMENT OF SUPERVISOR GROSS AS VICE-CHAIRMAN OF THE BOARD** (11:12 a.m.)

(NOTE: Earlier in the meeting, appointments were made to various Organizations. See Clerk's Summary Item #5.)

Chairman Bulova noted that the re-appointment of the Vice-Chairman was omitted earlier in the meeting when Board appointments were being made. Therefore, Supervisor McKay moved the re-appointment of Supervisor Gross as Vice-Chairman of the Board. Supervisor Storck seconded the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTERS**21. SPECTRUM HEALTHCARE RESOURCES, INCORPORATED (SPRINGFIELD DISTRICT) (11:14 a.m.)**

Supervisor Herrity said that on December 13, 2018, an application for a final development plan amendment (FDPA) was accepted for review and comment by the County. The applicant, Spectrum Healthcare Resources, Incorporated, requests approval to amend an approved FDPA to permit site modifications in order to accommodate a new medical office, which will provide health care to military personnel and their families. The 6.25-acre subject property is zoned PDC and located at 4375 Fair Lakes Court, on Tax Map 45-4 ((1)) 25D.

A public hearing is scheduled to be held before the Planning Commission on June 12, 2019. To facilitate review of the FDPA application the applicant has requested authorization to process concurrent site and building plans for the project in advance of the public hearing.

Therefore, Supervisor Herrity moved that the Board direct the Director of the Department of Land Development Services to accept for concurrent and simultaneous review a site plan, architectural drawings, building permits and other materials as may be necessary in conjunction with the pending FDPA for the property on Tax Map 45-4 ((1)) 25D. This motion should not be considered as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, and/or adopted standards, nor does it prejudice in any way the Board's consideration of this pending application. Chairman Bulova seconded the motion and it carried by unanimous vote.

22. INTRODUCTION OF A NEW STAFF MEMBER IN THE SPRINGFIELD DISTRICT OFFICE (11:15 a.m.)

Supervisor Herrity introduced Ms. Meredith Martinez, a new staff member in the Springfield District office, who will be handling public safety, human services issues, teen job fairs, and other projects.

On behalf of the Board, Chairman Bulova warmly welcomed her to the Board Auditorium.

23. COMMUNITY POTLUCK DINNER BY WEST SPRINGFIELD HIGH SCHOOL'S CONSERVATIVE CLUB AND YOUNG DEMOCRATS CLUB (SPRINGFIELD DISTRICT) (11:16 a.m.)

Supervisor Herrity announced that the Conservative Club and the Young Democrats Club of West Springfield High School are offering a community potluck dinner tomorrow night from 5 p.m. - 7 p.m. to bring the community

together during the government shutdown and collect donations for the West Springfield High School food bank.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct the Office of Public Affairs to publicize the event. Without objection, it was so ordered.

24. **LINCOLNIA UNITED METHODIST CHURCH – SPECIAL EXCEPTION APPLICATION SE 2018-MA-008 (MASON DISTRICT)** (11:18 a.m.)

Supervisor Gross said that the applicant, Trustees of Lincolnia United Methodist Church and Flor D. Brea d/b/a Luca's Rainbow Bilingual Daycare Center, submitted Special Exception Application SE 2018-MA-018 for a place of worship and childcare, located at 6335 Little River Turnpike, southeast of the intersection of Little River Turnpike and Lincoln Avenue. The application is filed on approximately 2.37 acres and identified as Tax Map 72-3 ((1)) 60. The subject property is zoned R-2 and located within the Highway Corridor Overlay District. The purpose of the application is to allow a childcare center with a maximum of 25 children to the existing place of worship. No exterior building or site modifications are proposed with this application. The application is ready for public hearings.

Supervisor Gross stated that the applicant has a public hearing scheduled before the Planning Commission on February 27, 2019, and has requested a public hearing date before the Board.

Therefore, Supervisor Gross moved that the Board direct staff to schedule this application for a public hearing to be held before the Board on March 5, 2019. This motion should not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations or adopted standards in anyway. Supervisor Foust seconded the motion and it carried by unanimous vote.

25. **NO BOARD MATTERS FOR SUPERVISOR L. SMYTH (PROVIDENCE DISTRICT)** (11:20 a.m.)

Supervisor L. Smyth announced that she had no Board Matters to present today.

KK:kk

26. **REQUEST FOR WAIVER OF FEES FOR PERMITS ASSOCIATED WITH FLEA MARKETS (LEE DISTRICT)** (11:20 a.m.)

In a joint Board Matter with Supervisor Gross, Supervisor McKay said that he is requesting a waiver of the application fees for permits associated with the flea markets held by the Springfield-Franconia Host Lions Club Charities,

Incorporated. This is the 65th year that the Lions Club has operated and the Board has approved this waiver request annually since 1994. The Springfield-Franconia Host Lions Club Charities, Incorporated, recently contacted Supervisor McKay to express appreciation for the Board's help in the past and to ask that it support a waiver again this year.

The flea markets are held twice a month on Saturdays from April through November in the VRE parking lot off Backlick Road. All net proceeds from the flea markets are returned to the community. The Springfield-Franconia Host Lions Club Charities, Incorporated, supports organizations such as Koinonia, ECHO, the Juvenile Diabetes Foundation, and assists indigent citizens with eye glass prescriptions and hearing aids.

Therefore, Supervisor McKay moved that the Board waive the application fees for 17-day permits associated with the Springfield-Franconia Host Lions Club Charities 2019 flea markets. Supervisor Gross seconded the motion and it carried by unanimous vote.

27. **REQUEST FOR COMPREHENSIVE PLAN AMENDMENT REGARDING OAKWOOD SENIOR HOUSING SITE (LEE DISTRICT)** (11:22 a.m.)

Supervisor McKay said that in February of 2018, the County's Redevelopment and Housing Authority (FCRHA) received an unsolicited proposal consistent with the Public-Private Education and Infrastructure Acts' (PPEA) guidelines for property to be developed into affordable housing for older adults. Located in the southeast corner of the intersection of Oakwood Road and South Van Dorn Street, the site consists of four properties totaling 6.2 acres. Currently, it is open space used for a stormwater pond receiving runoff from South Van Dorn Street.

In June 2018, a Request for Competing Proposals was issued and included the following criteria for evaluation: affordability; financial viability; development team experience; project design; and community outreach. Two competing proposals were received. A County review and selection team completed its evaluation and recommended a development partner.

Therefore, Supervisor McKay moved that the Board authorize a Comprehensive Plan amendment for Tax Map Section 0812 Parcel 17C and Section 0814 Parcels 32, 33, and 34, known as the Oakwood Senior Housing site, an area of approximately 6.2 acres situated at the southeast corner of the intersection of Oakwood Road and South Van Dorn Street, to consider a mix of approximately 150 affordable senior independent housing units, as well as limited community space as may be appropriate.

Supervisor McKay noted that even though the County is the applicant, this application will go through the same thorough community-driven review as any other land use application. In addition, he will also be setting up a special task force to review the application in the coming weeks.

This motion should not be construed as a favorable recommendation by the Board or the Planning Commission on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, and adopted standards. Supervisor Gross and Supervisor Foust jointly seconded the motion and it carried by unanimous vote.

28. **NO BOARD MATTERS FOR SUPERVISOR COOK (BRADDOCK DISTRICT)** (11:24 a.m.)

Supervisor Cook announced that he had no Board Matters to present today.

29. **A GREAT STORY – OUTSTANDING YOUNG MEN (HUNTER MILL DISTRICT)** (11:24 a.m.)

Supervisor Hudgins said that on Saturday, December 1, 2018, a Herndon Senior Center participant was stranded at the Reston Town Center because his scooter battery was dead. He was trying to make it to the Herndon Senior Center to join a charter trip to Wolf Trap Farm Park.

Supervisor Hudgins stated that two young men, Mr. Maximiliano Musso and Mr. Jesse Solozaro, saw the gentleman in distress and stepped right in to help. They physically pushed his scooter to a Reston Town Center public bus stop, accompanied him and his scooter on the bus to the Herndon Senior Center, and then pushed his scooter into the center, where it was plugged in and the scooter battery recharged.

The two young men are current members of the Reston Teen Center.

According to Ruth Junkin, Herndon Senior Center Director, “It was a wonderful start to December for all of us that day.”

These two Good Samaritans deserve recognition and the Board’s thanks.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to draft a resolution, with dual signatures, commending the actions of these two individuals for a Hunter Mill District presentation in March 2019. Without objection, it was so ordered.

30. **RETIREMENT ANNOUNCEMENT (HUNTER MILL DISTRICT)** (11:26 a.m.)

Supervisor Hudgins announced that, after 20 years of serving on the Board, she will not seek re-election. She noted that it has been a pleasure to work with everyone on the Board and to serve the Hunter Mill District.

31. **RENAMING THE SOUTH COUNTY GOVERNMENT CENTER AFTER FORMER MOUNT VERNON DISTRICT SUPERVISOR GERRY HYLAND** (11:28 a.m.)

In a joint Board Matter with all Members of the Board, Supervisor Storck said that former Mount Vernon District Supervisor Gerry Hyland dedicated most of his professional life in service to the greater Mount Vernon and the County community. The accomplishments over his 28-year career are too numerous to mention in one Board Matter.

Supervisor Storck referred to his written Board Matter which outlined many of former Mount Vernon District Supervisor Gerry Hyland's accomplishments.

Therefore, Supervisor Storck moved that the Board direct the County Executive to name the South County Government Center after former Supervisor Gerry Hyland in recognition of his longstanding service to the County. The motion was multiply seconded, and it carried by unanimous vote.

32. **MOUNT VERNON'S THIRTY-SECOND ANNUAL TOWN MEETING** (11:37 a.m.)

Supervisor Storck announced that the annual town meeting provides a forum to inform the Mount Vernon community about what its government is doing for them, and even more importantly, listen to people discuss and debate the future. Special guests will include Gerry Hyland, former Mount Vernon Supervisor, Congressman Don Beyer, Congressman Gerry Connolly, Chairman Sharon Bulova, County Executive Bryan Hill, School Board Member Karen Corbett Sanders and new Fort Belvoir Garrison Commander Colonel Michael Greenberg. The meeting will take place on Super Bowl Saturday, February 2 at Mount Vernon High School, from 7:45 a.m. - noon. This year's town meeting will include a special acknowledgement to furloughed Federal employees and those who are supporting them during this challenging time. He invited his colleagues to attend this annual event.

Therefore, Supervisor Storck asked unanimous consent that the Board direct the Office of Public Affairs to advertise the town meeting on its various communications platforms. Without objection, it was so ordered.

33. **REQUEST FOR CONCURRENT PROCESSING FOR SPECIAL EXCEPTION APPLICATION SE 2018-MV-021, STARBUCKS COFFEE COMPANY (MOUNT VERNON DISTRICT)** (11:42 a.m.)

Supervisor Storck said that the Saratoga Starbucks is located at 8098 Rolling Road, Springfield, Tax Map 098-2-01-0013B. The applicant has filed a special exception amendment application to permit a drive-thru at this location, which was formerly a bank site. The South County Federation has passed a resolution of support for this use. The Planning Commission hearing is

scheduled for February 6 and the applicant plans to submit its minor site plan concurrently with its special exception application.

Therefore, Supervisor Storck moved that the Board authorize the Department of Land Development Services to concurrently process the minor site plan and other engineering approvals associated with this pending application. This motion should not be construed as a favorable recommendation on the application by the Board and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, adopted standards, or proffers. This action in no way prejudices the substantive review of the application. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

34. **POHANKA VIRGINIA PROPERTIES, LLC (SULLY DISTRICT)**
(11:44 a.m.)

Supervisor K. Smith said that the applicant, Pohanka Virginia Properties, LLC, submitted Rezoning Application RZ 2018-SU-023 and Special Exception Amendment Application SEA 94-Y-023 (the "applications") for Pohanka Automotive, a vehicle sales, rental, and ancillary service establishments, located on Lee-Jackson Memorial Highway. The rezoning application is filed on approximately 7.29 acres and identified as Tax Map 34-4 ((1)) 51 and 53. The special exception amendment application is filed on approximately 13.96 acres and identified as Tax Map 34-4 ((1)) 49, 50, 50A, 51, and 53. The purpose of the applications is to consolidate two previous rezoning applications under one application and set of proffers and allow for the continued operation and expansion of three vehicle sale, rental, and ancillary service establishments.

The applicant has a public hearing scheduled before the Planning Commission on February 20 and has requested a public hearing before the Board.

Therefore, Supervisor K. Smith moved that the Board direct staff to schedule these applications for a public hearing to be held before the Board on March 5. The applicant is aware that this motion should not be considered as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, and/or adopted standards, nor does it prejudice in any way the Board's consideration of these pending applications. Supervisor Herrity seconded the motion and it carried by unanimous vote.

35. **RECESS/CLOSED SESSION** (11:47 a.m.)

Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in Virginia Code Section (§) 2.2-3711 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2 3711(A) (1).

- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. Claim of Joseph A. Glean, Department of Public Works and Environmental Services
 - 2. *Board of Supervisors of Fairfax County, Virginia v. Douglas A. Cohn and Kathryn J. Cohn*; Record No. 171483 (Va. Sup. Ct.) (Dranesville District)
 - 3. *Kingstowne M&N LP v. Fairfax County*, Case No. CL-2017-0012241 (Fx. Co. Cir. Ct.) (Lee District)
 - 4. *Laboratory Corporation of America v. County of Fairfax, Virginia*, Case No. CL-2017-0018222 (Fx. Co. Cir. Ct.)
 - 5. *Kenneth Henderson v. Fairfax-Falls Church Community Service Board and Fairfax County*, Case No. 1:18-cv-825 (E.D. Va.)
 - 6. *Justin Reed v. Fairfax County*, Civil Action No.1:18-cv-1454 (E.D. Va.)
 - 7. *Viola Laird v. County of Fairfax, Virginia*, Case No. 1:17-cv-1408 (E.D. Va.)
 - 8. *Harrison Neal v. Fairfax County Police Department and Colonel Edwin C. Roessler Jr.*, Case No. CL-2015-005902 (Fx. Co. Cir. Ct.)
 - 9. *Matthew Skarlatos v. Patricia Trott Skarlatos, individually and as Personal Representative of the Estate of Paul Skarlatos, and Fairfax County Police Department*, Case No. 2018-0016120 (Fx. Co. Cir. Ct.)

10. *Glen M. Sylvester v. Brian C. Geschke*, Case No. CL-2018-0008045 (Fx. Co. Cir. Ct.)
11. *Louella F. Benson v. Penelope A. Gross, et al.*, Case No.: CL-2018-0000333 (Fx. Co. Cir. Ct.)
12. Glenn Myer v. Ralph Northam, Sharon Bulova, Michael I. Elliott, Sheila K.W. Elliott, Rafael Saenz, Cynthia Warriner, Jody H. Allen, Melvin L. Boone, Sr., James L. Jenkins, Jr., Rebecca Thornbury, Allen R. Jones, Jr., Sarah Schmidt, Susan Szasz Palmer, Elizabeth Locke, Arena L. Dailey, Tracey Alder, Mira Mariano, Jay Douglas, Huong Vu, Brenda Krohn, Jodi Power, Robin Hills, Paula Saxby, Stephanie Willinger, Linda Kleiner, Charlotte Ridout, Fairfax County, Prosperity Pharmacy, Pharmacist of Prosperity Pharmacy, John Does Pharmacist and Technicians at Prosperity Pharmacy, Inova Pharmacy, Jane Doe (Pharmacy Director), Several Pharmacist [sic] at Inova, Walgreen Pharmacies, Bodies in Motion, Michael Mastrostefano, Aetna Insurance, Fairfax Adult Detention Center Employees, Jane and Joe Does Nurses, Haas Doe Medical Records at ADC, Stacie Kincaid, Omar “The Butch Mercedes” [sic], Case No. 1:18-cv-723 (E.D. Va.)
13. *David Park and Susan Park v. Constance Morris*, Case No. CL-2017-0011280 (Fx. Co. Cir. Ct.)
14. *Erica M. Allen Winslow v. Ramona Simmons*, Case No. GV18-020050 (Fx. Co. Gen. Dist. Ct.)
15. *Mary Lark Lovering v. Mickey Smith and County of Fairfax*, Case No. CL-2018-0012629 (Fx. Co. Cir. Ct.)
16. *Lisa Therese Barnes v. Armando Cruz Hernandez*, Case No. 2018-0009279 (Fx. Co. Cir. Ct.)
17. *Sally McCrory v. Enrique A. Ruiz*, Case No. CL-2018-0003152 (Fx. Co. Cir. Ct.)
18. *Andrea Infante v. James Harvey Doswell*, Case No. CL-2018-0009968. (Fx. Co. Cir. Ct.)

19. *Zhihua He v. George Robbins*, Case No. CL-2018-0011920 (Fx. Co. Cir. Ct.)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Lillian F. Graf and Steven F. Graf*, Case No. CL-2017-0015518 (Fx. Co. Cir. Ct.) (Braddock District)
21. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Yung C. Yung*, Case No. CL-2018-0017331 (Fx. Co. Cir. Ct.) (Braddock District)
22. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Benjamin K. Canty and Judith M. Canty*, Case No. CL-2017-0012652 (Fx. Co. Cir. Ct.) (Braddock District)
23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jiyao Wang and Hong Chai*, Case No. CL-2018-010034 (Fx. Co. Cir. Ct.) (Braddock District)
24. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia, and Leslie B. Johnson, Fairfax County Zoning Administrator v. John Jongki Lee and Eun Hee Lee*, Case No. CL-2017-0015187 (Fx. Co. Cir. Ct.) (Braddock District)
25. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Guiti Gheybi*, Case No. GV18-020294 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rangsee Junloy*, Case No. GV18-014509 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
27. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Lucy W. Berkebile*, Case No. CL-2018-0000961 (Fx. Co. Cir. Ct.) (Dranesville District)

28. *Board of Supervisors of Fairfax County and Bill Hicks, Director of Land Development Services v. Nirmaladevi Jayanthan and Jayanthan Balasubram, a/k/a Balasubram Jayanthan, Jayanthan Bala, Bala Jayanthan, and Jay Bala*, Case No. CL-2015-0008179 (Fx. Co. Cir. Ct.) (Dranesville District)
29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Abu Kamara*, Case No. CL-2018-0012493 (Fx. Co. Cir. Ct.) (Dranesville District)
30. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Carlos Sergio Alarcorn*, Case No. GV18-027204 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
31. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Charles R. Stackhouse Trust and Carol Ann Polkinghorne, Trustee*, Case No. Case No. GV18-028733 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Luminous Star LLC*, Case No. GV18-027621 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
33. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Aslam Ali Syed and Yameen Fatima Ali*, Case No. CL-2018-0016892 (Fx. Co. Cir. Ct.) (Lee District)
34. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Brian Allen Clark*, Case No. CL-2018-0016828 (Fx. Co. Cir. Ct.) (Lee District)
35. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County v. Martina Simpkins and Anthony Simpkins*, Case No. CL-2018-0002496 (Fx. Co. Cir. Ct.) (Lee District)

36. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Juan Carlos Aranibar Chinchilla, Rossemary Jeanneth Arnez Villarroel, and A&A Investment, LLC*, Case No. CL-2016-0006961 (Fx. Co. Cir. Ct.) (Lee District)
37. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kai Vutipawat and Lynn Vutipawat*, Case No. CL-2018-0017118 (Fx. Co. Cir. Ct.) (Lee District)
38. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Michael L. Lewis and Sonja B. Lewis*, Case No. CL-2017-0013219, and *William E. Shoup, Fairfax County Zoning Administrator v. Michael L. Lewis and Sonja B. Lewis*, Case, No. CL-2018-0015823 (Fx. Co. Cir. Ct.) (Lee District)
39. *Jane W. Gwinn, Fairfax County Zoning Administrator v. James L. Price*, Case No. CL-2018-0017871 (Fx. Co. Cir. Ct.) (Lee District)
40. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mary C. O'Brien*, Case No. CL-2019-0000067 (Fx. Co. Cir. Ct.) (Lee District)
41. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Beverly J. Facchina*, Case No. GV18025948-00 (Fx. Co. Gen. Dist. Ct.) (Lee District)
42. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Lahoussaine Amajoud and Fatima Amajoud*, Case No. GV18-024825 (Fx. Co. Gen. Dist. Ct.) (Lee District)
43. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Jonathan Clark and Carolyn Clark*, Case No. CL-2017-0016073 (Fx. Co. Cir. Ct.) (Mason District)
44. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Matthew O. Neyland*, Case

- No. CL-2018-0017117 (Fx. Co. Cir. Ct.) (Mason District)
45. Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Kenneth E. Reppart and Edna M. Reppart, Case No. CL-2015-0000262 (Fx. Co. Cir. Ct.) (Mason District)
 46. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mohammed J. Abdlaez and Inshirah Ali*, Case No. CL-2018-017405 (Fx. Co. Cir. Ct.) (Mason District)
 47. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rockley L. Miller and Susan B. Miller*, Case No. CL-2017-0010524 (Fx. Co. Cir. Ct.) (Mason District)
 48. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert G. Matson*, Case No. CL-2018-0012444 (Fx. Co. Cir. Ct.) (Mason District)
 49. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Elsa Campos*, Case No. CL-2018-0015005 (Fx. Co. Cir. Ct.) (Mason District)
 50. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John A. Williams*, Case No. CL-2018-0015006 (Fx. Co. Cir. Ct.) (Mason District)
 51. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Melba B. Clarke*, Case No. CL-2009-0016978 (Fx. Co. Cir. Ct.) (Mason District)
 52. *Leslie B. Johnson, Fairfax County Zoning Administrator v. George M. Yaworsky and Zenia M. Yaworsky*, Case No. CL-2018-0014854 (Fx. Co. Cir. Ct.) (Mason District)
 53. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property*

- Maintenance Code Official for Fairfax County, Virginia v. Sherry L. Frazier*, Case No. CL-2018-0007655 (Fx. Co. Cir. Ct.) (Mount Vernon District)
54. *Leslie B. Johnson, Fairfax County Zoning Administrator v. William E. Simms, Sr., and Dolores J. Simms*; Case No. CL-2018-0012683 (Fx. Co. Cir. Ct.) (Mount Vernon District)
55. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robena Reid*, Case No. GV18-018167 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
56. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Cathy Bishop and Thomas W. Bishop*, Case No. GV18-023444 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
57. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Cynthia Etkin*, Case No. GV18-027882 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
58. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Michael Hausenfleck and Susan Brassfield-Hausenfleck*, Case No. GV18-029106 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
59. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Akram Rastegari*, Case No. CL-2018-0012804 (Fx. Co. Cir. Ct.) (Providence District)
60. *Leslie B. Johnson, Fairfax County Zoning Administrator v. G.H.D. International, Bolmarket Corporation, Lozada Corporation, AASCO Paving Corporation, and Terra Landscape, Inc.*, Case No. CL-2018-0017926 (Fx. Co. Cir. Ct.) (Providence District)
61. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Amy Junhong Long*, Case No.

- CL-2013-0005065 (Fx. Co. Cir. Ct.) (Providence District)
62. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Julio M. Dominguez and Rina J. Espinoza*, Case No. GV18-023159 (Fx. Co. Gen. Dist. Ct.) (Providence District)
 63. *Leslie B. Johnson, Fairfax County Zoning Administrator v. James A. Giddings, Trustee of the James A. Giddings Trust and the Brandy D. Giddings Trust and Brandy D. Giddings, Trustee of the James A. Giddings Trust and the Brandy D. Giddings Trust*, Case No. GV18-027205 (Fx. Co. Gen. Dist. Ct.) (Providence District)
 64. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Paul Michael Knott*, Case No. GV18-027420 (Fx. Co. Gen. Dist. Ct.) (Providence District)
 65. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Aminullah Abbasi*, Case No. GV18-024827 (Fx. Co. Gen. Dist. Ct.) (Providence District)
 66. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Donna Griffiths, Laszlo Pentek, and Kathleen Pentek*, Case No. GV18-012151 (Fx. Co. Gen. Dist. Ct.) (Providence District)
 67. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Bao Q. Tran and Tina Q. Le*, Case No. CL-2018-0016485 (Fx. Co. Cir. Ct.) (Springfield District)
 68. *Board of Supervisors of Fairfax County, Virginia, and Leslie B. Johnson, Fairfax County Zoning Administrator v. Board of Zoning Appeals of Fairfax County, Virginia*, Case No. CL-2017-0015190 (Fx. Co. Cir. Ct.) (Springfield District)
 69. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County,*

Virginia v. Yung Chi Yung, Case No. CL-2017-0004961 (Fx. Co. Cir. Ct.) (Springfield District)

70. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Barry K. Bedford and Kathleen A. W. Bedford*, Case Nos. GV18-029107, and *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Barry K. Bedford and Kathleen A. W. Bedford*, Case No. GV18-029108 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
71. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Milton V. Alcazar*, Case No. CL-2018-0016777 (Fx. Co. Cir. Ct.) (Sully District)
72. *Board of Supervisors of Fairfax County v. Artaville Oriental Rugs & Antiques, Inc.*, Case No. GV18-027700 (Fx. Co. Gen. Dist. Ct.) (Dranesville and Mount Vernon Districts)

And in addition:

- Consultation with legal counsel regarding:
 - i. *Wilmington Savings Fund Society, et al v. Board of Supervisors, et al*, Fairfax County Circuit Court Case No. CL-2018-7324
 - ii. Opioid-related litigation pending in the Federal and State courts, all as permitted by Virginia Code Sections 2.2-3711(A)(7) and (8).
- As permitted by Virginia Code Section 2.2-3711(A)(3), potential terms of disposition of County-owned real property located in the City of Fairfax

Chairman Bulova seconded the motion and it carried by unanimous vote.

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ACTIONS FROM CLOSED SESSION

36. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:39 p.m.)

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Chairman Bulova seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting "AYE."

37. **AUTHORIZATION OF SETTLEMENT OF CASE STYLED WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, TRUSTEE FOR HILLDALE TRUST V. FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY, BOARD OF SUPERVISORS OF FAIRFAX COUNTY, ET AL** (3:40 p.m.)

Supervisor K. Smith moved that the Board authorize and direct the County Attorney to settle the case styled *Wilmington Savings Fund Society, FSB, D/B/A Christiana Trust, Trustee for Hilldale Trust v. Fairfax County Redevelopment and Housing Authority, Board of Supervisors of Fairfax County, et al.*, Fairfax County Circuit Case No. CL-2018-0007324, according to the terms and conditions set forth by the County Attorney in closed session. Supervisor Gross and Supervisor Herrity jointly seconded motion and it carried by unanimous vote.

38. **DENIAL OF CLAIM OF MR. JOSEPH A. GLEAN** (3:41 p.m.)

Supervisor Gross moved that the Board deny the claim of Mr. Joseph A. Glean, which was filed with the Clerk to the Board on October 29, 2018. Supervisor Foust seconded motion and it carried by unanimous vote.

39. **ANNUAL SALARY ADJUSTMENT FOR SHERIFF STACEY KINCAID** (3:41 p.m.)

Supervisor Gross moved that, as required by Virginia Code Section 15.2-1609.2(F), the Board adjust the County Sheriff's annual salary to \$203,770.20, effective January 5. Chairman Bulova seconded the motion and it carried by unanimous vote.

40. **APPOINTMENT OF RACHEL O. FLYNN AS DEPUTY COUNTY EXECUTIVE** (3:42 p.m.)

Supervisor Gross moved the appointment of Ms. Rachel O. Flynn to the position of Deputy County Executive in the Office of County Executive, Grade E-14, with a starting salary of \$215,000, effective February 4, 2019. Chairman Bulova seconded motion and it carried by unanimous vote.

On behalf of the Board, Chairman Bulova warmly welcomed her to the Board Auditorium.

41. **APPOINTMENT OF JILL COOPER AS THE DIRECTOR OF A NEW AGENCY CONSOLIDATING THE SUPPORT FUNCTIONS OF THE BOARD OF SUPERVISORS AND THE PLANNING COMMISSION (PC)** (3:43 p.m.)

Supervisor Gross moved the appointment of Ms. Jill Cooper to the position of Director of a future department that will combine the support functions for the Board and the PC. The position is Grade E-05 with a starting salary of \$126,696.06, effective February 2, 2019. The position of the Clerk to the Board remains within the Office of the County Executive and will ultimately transition to the new agency. The appointment is effective February 2 to facilitate Ms. Cooper's participation in the development of the new agency, which is expected to be launched within the year. Chairman Bulova seconded motion and it carried by unanimous vote.

On behalf of the Board, Chairman Bulova warmly welcomed her to the Board Auditorium.

AGENDA ITEMS

42. **3 P.M. – ANNUAL MEETING OF THE FAIRFAX COUNTY SOLID WASTE AUTHORITY** (3:45 p.m.)

At 3:45 p.m., the annual meeting of the Fairfax County Solid Waste Authority was called to order by Chairman Bulova in accordance with Article III, Section I of the bylaws.

Supervisor Gross moved that the Board appoint the following officers and officials to the Fairfax County Solid Waste Authority:

OFFICERS

Sharon Bulova – Chairman
Chairman, Fairfax County Board of Supervisors

Penelope A. Gross – Vice Chairman

Vice Chairman, Fairfax County Board of Supervisors

Catherine A. Chianese – Secretary
Clerk to the Fairfax County Board of Supervisors

Christopher Pietsch – Treasurer
Director, Department of Finance

Elizabeth Teare – Attorney
County Attorney

Bryan Hill – Executive Director
County Executive

John Kellas – Authority Representative
Deputy Director, Solid Waste Management, Program Operations
Division
Department of Public Works and Environmental Services (DPWES)

Chairman Bulova seconded the motion and it carried by unanimous vote.

Supervisor Gross moved approval of the minutes from the January 23, 2018, meeting of the Fairfax County Solid Waste Authority. Supervisor Storck seconded the motion and it carried by unanimous vote.

Supervisor Gross moved approval of the financial statements for the County Solid Waste Authority. Supervisor K. Smith seconded the motion and it carried by unanimous vote.

Supervisor Gross moved to adjourn the annual meeting of the County Solid Waste Authority. Chairman Bulova seconded the motion and it carried by unanimous vote.

At 3:47 p.m., the annual meeting of the Fairfax County Solid Waste Authority was adjourned.

43. **A-5 - BOARD APPROVAL OF A MINOR VARIATION REQUEST FOR PROFFERED CONDITION AMENDMENT APPLICATION PCA 89-A-001-2, FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY, TO ADD A PUBLIC USE, LIMITED TO A HEALTH AND WELLNESS CENTER WHICH PROVIDES RELATED SERVICES FOR OLDER ADULTS, AS A PERMITTED USE IN PROFFER 2 (BRADDOCK DISTRICT) (3:48 p.m.)**

Evan Braff, Regional Manager, Department of Neighborhood and Community Services, reaffirmed the validity of the affidavit for the record.

Jerrell Timberlake, Planner, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), gave a PowerPoint slide presentation depicting the request, site location, and staff recommendations.

In accordance with Zoning Ordinance Section 18-204(5) and Virginia Code §15.2 2302, Supervisor Cook moved that the Board:

- Waive the requirement of a public hearing
- Approve a minor variation of Proffer 2 of Proffered Condition Amendment Application PCA 89-A-001-2 to allow the addition of a Public Use, limited to a health and wellness center which provides related services for older adults as a permitted use as detailed in Action Item 5 of the Board Agenda Item

Chairman Bulova and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

44. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2018-MV-012 [FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DPWES)] CAP BUILDING DESIGN AND CONSTRUCTION DIVISION, DPWES) (MOUNT VERNON DISTRICT)** (3:52 p.m.)

(O) (NOTE: On October 16, 2018, the Board deferred the public hearing until December 4, 2018, at which time it was deferred until January 22, 2019.)

The application property is located on the east side of Lukens Lane approximately 600 feet south of its intersection with Richmond Highway. Tax Map 75-1 ((1)) 8Z.

Maire Bourque, Senior Engineer III, Building Design and Construction Division, DPWES, reaffirmed the validity of the affidavit for the record.

Jay Rodenbeck, Planner, Department of Planning and Zoning (DPZ), gave a PowerPoint slide presentation depicting the application and site location.

Ms. Bourque had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, Mr. Rodenbeck presented the staff and Planning Commission (PC) recommendations.

Supervisor Storck moved:

- Amendment of the Zoning Ordinance (ZO), as it applies to the property which is the subject of Rezoning Application RZ 2018-MV-012, from the R-2, R-20, and HC Districts to the R-20-and HC Districts.
- Approval of the following waivers and modifications:
 - Modification of Section 2-417 of the ZO for a 20-foot minimum front yard setback to permit 17 feet for a proposed fire station
 - Modification of Section 13-303 of the ZO for the transitional screening requirements and Section 13-304 for the barrier requirements to that as shown on the Generalized Development Plan (GDP)
 - Waiver of the Bicycle Master Plan recommendation for the delineation of a shared bike lane

Supervisor McKay seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE.”

(NOTE: On December 5, 2018, the PC voted to find that Public Facilities Application 2232-V18-1 is substantially in accord with the provisions of the adopted Comprehensive Plan and satisfies the criteria of character, location, and extent of Section 15.2-2232 of the Code of Virginia, as amended.)

45. **3:30 P.M. - PH ON REZONING APPLICATION RZ 2016-DR-027 (POMEROY/CLARK I, LLC) (DRANESVILLE DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA-C-637-4 (POMEROY/CLARK I, LLC) (DRANESVILLE DISTRICT)
(4:03 p.m.)

(NOTE: Earlier in the meeting, the public hearings were deferred. See Clerk’s Summary Item #17.)

Following a brief discussion, with input from Elizabeth Teare, County Attorney, Supervisor Foust referred to his earlier written Board Matter deferring the public hearing on Rezoning Application RZ 2016-DR-027 and Proffered Condition Amendment Application PCA-C-637 4, until **March 5, 2019, at 3:30 p.m.**

46. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2018-SU-016 (PAG CHANTILLY P1, LLC) (SULLY DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2018-SU-011 (PAG CHANTILLY P1, LLC) (SULLY DISTRICT) (4:05 p.m.)

- (O) The application property for Rezoning Application RZ 2018-SU-016 and for Special Exception Application SE 2018-SU-011 is located on the east side of Stonecroft Boulevard, south side of Lee Jackson Memorial Highway, and north side of Pepsi Place. Tax Map 34-1 ((1)) 2C.

Mr. Andrew Painter reaffirmed the validity of the affidavit for the record.

Zach Fountain, Planner, Department of Planning and Zoning (DPZ), gave a PowerPoint slide presentation depicting the application and site location.

Mr. Painter had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Mr. Fountain presented the staff and Planning Commission recommendations.

Following a query by Supervisor K. Smith, Mr. Painter confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated January 11, 2019.

Supervisor K. Smith moved:

- Amendment of the Zoning Ordinance (ZO), as it applies to the property which is the subject of Rezoning Application RZ 2018-SU-016, from the I-5, AN, HC, and WS Districts to the C-8, AN, HC, and WS Districts, subject to the proffers dated December 18, 2018
- Approval of Special Exception Application SE 2018-SU-011, subject to the development conditions dated January 11, 2019
- Approval of a modification of Paragraph 2 of Section 17-201 of the ZO to waive the construction of the major paved trail requirement along Stonecroft Boulevard in favor of the existing trail on the west side of Stonecroft Boulevard

Supervisor Herrity seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity,

Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE.”

47. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX E, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, AGRICULTURAL RENEWAL APPLICATION AR 80-D-001-04 (PATOWMACK FARM, A VIRGINIA LIMITED PARTNERSHIP AND EDITH’S LOG CABIN, A VIRGINIA LIMITED LIABILITY COMPANY) (DRANESVILLE DISTRICT)** (4:15 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 4 and January 11, 2019.

The application property is located at 215 Seneca Road, Great Falls, 22066. Tax Map 3-4 ((1)) 2Z, 3Z; 2-2 ((1)) 6Z; 3-3 ((1)) 1Z and 3-1 ((1)) 3Z, 4Z, and 5Z.

Erin Haley, Planner, Department of Planning and Zoning (DPZ), presented the staff report.

Following the public hearing, Ms. Haley presented the staff and Planning Commission recommendations.

Supervisor Foust moved approval of Agricultural Renewal Application AR 80-D-001-04, to amend the Code of the County of Fairfax, Appendix E, renewing the Patowmack Farm Statewide Agricultural and Forestal District for an addition 10-year term, subject to the Ordinance provisions dated January 16, 2019. Supervisor Gross and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE.”

48. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2018-PR-018 (REFORMED THEOLOGICAL SEMINARY) (PROVIDENCE DISTRICT)** (4:20 p.m.)

The application property is located at 8227 Old Courthouse Road, Tysons, 22182. Tax Map 39-1 ((9)) 1A.

Ms. Lynne Strobel reaffirmed the validity of the affidavit for the record.

Daniel Creed, Planner, Department of Planning and Zoning (DPZ), gave a PowerPoint slide presentation depicting the application and site location.

Ms. Strobel had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, Mr. Creed presented the staff and Planning Commission recommendations.

Following a query by Supervisor L. Smyth, Ms. Strobel confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated January 16, 2019.

Supervisor L. Smyth moved approval of:

- Special Exception Application SE 2018-PR-018, subject to the development conditions dated January 16, 2019
- Modification of Paragraph 2 of Section 17-201.2 of the Zoning Ordinance (ZO), which requires the provision of a major trail along the subject property's Old Courthouse Road frontage, to permit the existing four-foot concrete sidewalk in lieu of the required major trail

Supervisor Foust seconded the motion and it carried by unanimous vote.

49. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2017-PR-011 (MARTIN-LEPPERT-SIPES POST 9274, VFW AND A/K/A FALLS CHURCH VFW CLUB AND FRATERNAL ORDER OF POLICE NOVA LODGE 35, INCORPORATED) (PROVIDENCE DISTRICT)**
(4:26 p.m.)

The application property is located at 7118 Shreve Road and 2343 Chestnut Street, Falls Church, 22043. Tax Map 40-3 ((1)) 107A and 114.

Mr. David Lasso reaffirmed the validity of the affidavit for the record.

Jay Rodenbeck, Planner, Department of Planning and Zoning (DPZ), gave a PowerPoint slide presentation depicting the application and site location.

Discussion ensued, with input from Catherine E. Lewis, Branch Chief, Rezoning and Special Exception Branch, Zoning Evaluation Division, DPZ, regarding proposed Development Condition #10 and the commitments made for repairs to the buildings and surrounding areas.

Mr. Lasso had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Discussion continued regarding proposed Development Condition #10.

Supervisor L. Smyth announced that an item has been submitted for the record.

Following the public hearing, Mr. Rodenbeck presented the staff and Planning Commission recommendations.

Following a query by Supervisor L. Smyth, Mr. Lasso confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated January 22, 2019, with the change to #10, second sentence to read: “For events where alcohol is served/consumed and that are reasonably expected to host over 100 occupants on the premises, public notice must be provided on the applicant’s website and distributed to adjoining HOA(s) and community association(s) in advance.”

Supervisor L. Smyth moved approval of:

- Special Exception Application SE 2017-PR-011, subject to the development conditions dated January 22, 2019, with the modification of condition #10, which now will read for the second sentence: “For events where alcohol is served/consumed and that are reasonably expected to host over 100 occupants on the premises, public notice must be provided on the applicant’s website and distributed to adjoining HOA(s) and community association(s) in advance.”
- The following waivers and modifications:
 - Modification of the transitional screening and barrier requirements along the western property boundary to that shown on the Special Exception plat
 - Waiver of the transitional screening and barrier requirements along the southern property boundary
 - Waiver of the peripheral parking lot landscaping requirement
 - Modification of Section 17-201(2) of the Zoning Ordinance (ZO) for a major paved trail along Shreve Road
 - Waiver from the Bicycle Master Plan of the Comprehensive Plan for a delineated bike lane along Shreve Road

Supervisor Herrity seconded the motion and it carried by unanimous vote.

50. **3:30 P.M. – PH TO CONVEY BOARD-OWNED PROPERTY SOUTH OF SPRING HILL ROAD TO DOMINION ENERGY FOR AN ELECTRIC SUBSTATION (HUNTER MILL DISTRICT)** (4:53 p.m.)

Supervisor Hudgins moved to defer the public hearing on the conveyance of Board-owned property south of Spring Hill Road to Dominion Energy for an electric substation until **March 5, 2019, at 4 p.m.** Supervisor Foust seconded the motion and it carried by unanimous vote.

51. **4 P.M. – PH ON REZONING APPLICATION RZ 2017-MV-024 (EASTWOOD PROPERTIES, INCORPORATED) (MOUNT VERNON DISTRICT)** (4:54 p.m.)

Supervisor Storck moved to defer the public hearing on the Rezoning Application RZ 2017-MV-024, until **February 5, 2019, at 3:30 p.m.** Chairman Bulova seconded the motion and it carried by unanimous vote.

52. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING ARTICLES 2 AND 20 – COMMONLY ACCEPTED PETS AND A PROPOSED AMENDMENT TO CHAPTER 41.1 OF THE CODE OF THE COUNTY OF FAIRFAX (ANIMAL CONTROL AND CARE)** (4:55 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 4 and January 11, 2019.

Casey Judge, Senior Assistant to the Zoning Administrator, Department of Planning and Zoning, (DPZ), and Captain Paul Norton, Commander of the Animal Services Division, Police Department, presented the staff report.

Following the public hearing, which included testimony by six speakers, Ms. Judge presented the staff and Planning Commission recommendations.

Supervisor K. Smith moved adoption to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) regarding Articles 2 and 20, Commonly Accepted Pets, as set forth in the Staff Report dated October 16, 2018, effective at 12:01 a.m., the day following adoption. Supervisor McKay seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herry, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE.”

Supervisor K. Smith moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 41.1 (Animal Control and Care) regarding the definition of wild or exotic animal in Section 41.1-1-1, to be effective

immediately. Supervisor Foust seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE.”

Supervisor K. Smith moved that the Board direct staff:

- To include in the press release announcing the adoption of the amendment and in any related web content about the new regulations a statement encouraging people to learn more about the care requirements and safe handling
- In coordination with the Department of Animal Sheltering and the Director of Animal Control, to monitor the effectiveness and impact of the new regulations for a period of 18 months and provide an update on the numbers of these types of animals received by the County Animal Shelter and report any other issues of concern to the Board

Supervisor Gross and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

53. **4 P.M. – PH ON PROPOSED PLAN AMENDMENTS 2018-IV-BK1: HUNTLEY MEADOWS PARK PATH FROM TELEGRAPH ROAD TO HARRISON LANE, AND 2018-IV-TR1: HUNTLEY MEADOWS PARK TRAIL FROM TELEGRAPH ROAD TO LOCKHEED BOULEVARD (LEE DISTRICT)** (5:46 p.m.)

Supervisor McKay moved to defer the public hearing on proposed Plan Amendments 2018-IV-BK1 and 2018-IV-TR1 until **February 5, 2019, at 3:30 p.m.** Chairman Bulova seconded the motion and it carried by unanimous vote.

54. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 108.1 (NOISE ORDINANCE) REGARDING MINOR REVISIONS** (5:47 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 4 and January 11, 2019.

Ryan Johnson, Assistant to the Zoning Administrator, Department of Planning and Zoning (DPZ), presented the staff report.

Following the public hearing, Supervisor K. Smith moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 108.1 (Noise Ordinance) as contained in the staff report dated November 20, 2018. Supervisor L. Smyth seconded the motion and it carried by a vote of nine,

Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE,” Supervisor Hudgins being out of the room.

55. **4:30 P.M. – PH TO REALLOCATE PROFFERED FUNDS FROM THE SPRINGFIELD CULTURAL CENTER TO THE SPRINGFIELD BRANDING PROJECT (LEE DISTRICT) (5:50 p.m.)**

Douglas A. Loescher, Revitalization Manager, Office of Community Revitalization, presented the staff report.

Following the public hearing, Mr. Loescher presented the staff and Planning Commission recommendations.

Supervisor McKay moved that the Board:

- Approve the request, under Virginia Code Section 15.2-2303.2C, and authorize the reallocation of the proffered contributions from Rezoning Application RZ 2005-LE-022 for Springfield Cultural Center to be used instead for the Springfield Branding Project.
- Find that the improvements for which the cash payments were proffered cannot occur in a timely manner and the functional purpose for which the contributions were made no longer exist. The alternative improvements are within the vicinity of the proposed improvements for which the cash payments were proffered and the alternative improvements are in the public interest.

Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

56. **4:30 P.M. – PH ON A PROPOSAL TO ABANDON A PORTION OF CINDER BED ROAD (MOUNT VERNON DISTRICT) (5:55 p.m.)**

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 4 and January 11, 2019.

Donald Stephens, Transportation Planner II, Department of Transportation, presented the staff report.

Following the public hearing, Supervisor Storck moved adoption of the Ordinance and Order abandoning a portion of Cinder Bed Road. Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor McKay, Supervisor K. Smith,

Supervisor Storck, and Chairman Bulova voting “AYE,” Supervisor Hudgins and Supervisor L. Smyth being out of the room.

57. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION ORDINANCE), CHAPTER 112 (ZONING ORDINANCE), CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE), AND TO THE PUBLIC FACILITIES MANUAL (PFM) REGARDING CODIFYING THE DELINEATION OF BUILDABLE AREAS ON PLANS OF DEVELOPMENT, ADDING RUNNING BAMBOO TO NOXIOUS WEEDS AND OTHER EDITORIAL CHANGES** (5:57 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 4 and January 11, 2019.

Jerry Stonefield, Engineering IV, Code Development and Compliance, Land Development Services, presented the staff report.

Following the public hearing, Mr. Stonefield presented the staff and Planning Commission recommendations.

Supervisor K. Smith moved:

- Adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance), Chapter 112 (Zoning Ordinance), Chapter 118 (Chesapeake Bay Preservation Ordinance), and the Public Facilities Manual (PFM) as contained in the staff report dated October 30, 2018
- That the proposed amendments become effective at 12:01 a.m. on January 23, 2019
- That the requirements be applicable to plans submitted on or after this date

Supervisor Foust seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE.”

58. **4:30 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF TELEGRAPH ROAD WALKWAY PHASE I – ROSE HILL TO PIKE (LEE DISTRICT)** (6 p.m.)

Supervisor McKay noted that this public hearing was withdrawn.

59. **BOARD ADJOURNMENT** (6 p.m.)

The Board adjourned.